

HOUSE BILL 3058
By Sargent

AN ACT to amend Tennessee Code Annotated, Section 6-58-104(b), relative to the dispute resolution panel.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 6-58-104(b)(2), is amended by deleting the subdivision in its entirety and substituting instead the following:

(2) Upon receiving such request, the secretary of state shall promptly appoint a dispute resolution panel. The panel shall consist of a minimum of one (1) member and a maximum of three (3) members. The secretary of state shall have the discretion to determine the size of the panel. Each member of the panel shall be appointed from the ranks of the administrative law judges employed within the administrative procedures division. Each member shall possess formal training in the methods and techniques of dispute resolution and mediation. No member of such panel, nor the immediate family of any such member or such member's spouse, may be a resident, property owner, official or employee of the county or of any municipality therein.

SECTION 2. Tennessee Code Annotated, Section 6-58-104(b)(3), is amended by deleting the subdivision in its entirety and substituting the following:

(3) The panel shall attempt to mediate the unresolved disputes. The mediation sessions will be confidential in accordance with accepted dispute resolution practices and are not subject to the provisions of title 8, chapter 44. If, after reasonable efforts, mediation does not resolve such disputes, then the panel shall propose a non-binding resolution thereof. The county legislative body and the municipal governing bodies shall be given a reasonable period in which to consider such proposal. If the county legislative body and the municipal governing bodies do not accept and approve such resolution, the secretary of state shall appoint a new panel of administrative law judges

for the purpose of adopting a growth plan. This panel shall be composed and selected in the same manner specified in (b)(2). If this panel deems it necessary for the purpose of obtaining sufficient information to adopt a growth plan, formal proceedings may be initiated. These proceedings need not be conducted in compliance with title 4, chapter 5, but shall be conducted subject to the provisions of title 8, chapter 44. In mediating the dispute or in adopting a growth plan, the panels may consult with experts in urban planning, growth, and development and may commission or contract for additional studies and reports on population growth and projections, land utilization and needs, environmental impacts and the development and production of maps adequate for the use of the panel. The costs associated with obtaining the services of experts, the production of studies, reports, maps and other documents shall be deemed a reasonable and necessary cost associated with the panel's development of the growth plan.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.